

Minutes of Meeting

VIRGINIA REAL ESTATE BOARD INFORMAL FACT-FINDING CONFERENCES OCTOBER 22, 2003 (9:00 AM)

The Virginia Real Estate Board convened in Richmond, Virginia, for the purpose of holding Informal Fact-Finding Conferences pursuant to the Administrative Process Act.

S. Ronald Owens and Marjorie Clark, Board Members, Presided. No other Board members were present.

Douglas W. Schroder and Jennifer Kazzie appeared for the Department of Professional and Occupational Regulation.

The conferences were recorded by Inge Snead & Associates, LTD. and the Summaries or Consent Orders are attached unless no decision was made.

Lic=Licensing Application
Disc=Disciplinary Case

A=Applicant
C=Complainant/Claimant
R=Respondent/Regulant
PB=Principal Broker
I=Investigator
W=Witness

Participants

Jean C. Redisch
File Number 2004-00606 (Lic)

Jean C. Redisch – A
Mark Lewis – AT

Grace Beauregard
File Number 2004-00968 (Lic)

Grace Beauregard – A

Sheila Jane Wright
File Number 2003-00070 (Disc)

Sheila Wright – R
Mozingo for Angelilli – I

Susan S. Murphy
File Number 2003-00535 (Disc)
No Decision Made

Susan Murphy – R
William Bischoff – R's Atty
Katharina Brekke – C
Edward Powers – W
Mozingo for Angelilli - I

Ned E. Pugh
File Number 2002-00796 (Disc)


Ned E. Pugh – R
Michael A. Miano – C

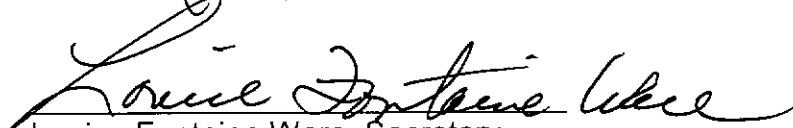
(Board Member Owens only)

Joseph Anthony - W
Lawrence Sheffert - W
Dale Amos - I

The meeting adjourned at 5:15 p.m.

Virginia Real Estate Board


S. Ronald Owens, Vice Chairman


Louise Fontaine Ware, Secretary

COPY TESTE:

Custodian of Records

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
REAL ESTATE BOARD**

**IN RE: JEAN C. REDISCH
APPLICATION**

FILE NUMBER: 2004-00606

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on October 22, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Jean C. Redisch, c/o Mark Lewis, Attorney on August 15, 2003. By letter dated September 22, 2003, Redisch c/o Lewis was notified that the IFF was rescheduled for October 22, 2003. The following individuals participated at the

conference: Jean C. Redisch, Applicant; Mark Lewis, Attorney for Applicant; Douglas W. Schroder, Staff Member; S. Ronald Owens, Presiding Board Member; and Marjorie Clark, Assisting Board Member.

Summation of Facts

1. Jean C. Redisch (Redisch) applied for a real estate broker license on or about July 28, 2003, and did not meet the experience requirements on her application.
2. On or about July 31, 2003, the Board's licensing staff provided the Regulatory Programs Division Application Review Informal Fact Finding Conference Referral Memorandum, which states the reasons the license was not issued.
3. During the IFF, Redisch provided documentation that shows active engagement in leasing and sales of real estate during the last 36 of the 48 months preceding her application for a broker's license. She has prior experience of working under a managing broker while at Newmark Real Estate Company (from 1993 through 2000). In the past three years at First Virginia Bank, she has completed in excess of 100 negotiations for branch and affiliate office leases, lease renewals, property sales and purchases on behalf of the bank.
4. Redisch's application was initiated at the request of the bank in anticipation of opening up a real estate brokerage office. Her present plans are to continue working in her present capacity with the bank or to manage a branch office for Newmark as an associate broker in Northern Virginia under the supervision of the principal broker.

Conclusion and Recommendation

Based upon the record and the information presented at the IFF, we recommend Redisch's application be approved. According to § 54.1-2105(B), the Board shall have the discretion to waive any requirement under the regulations relating to education or experience when the broker or salesperson is found to have education or experience equivalent to that required.

By: _____

S. Ronald Owens
Presiding IFF Board Member
Real Estate Board

Date: October 22, 2003

By: _____

Marjorie Clark
Presiding IFF Board Member
Real Estate Board

Date: October 22, 2003

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
REAL ESTATE BOARD**

**IN RE: GRACE BEAUREGARD
APPLICATION**

FILE NUMBER: 2004-00968

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on October 22, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Grace Beauregard on September 9, 2003. By letter dated September 22, 2003, Beauregard was notified that the IFF was rescheduled for October 22, 2003. The following individuals participated at the conference: Grace Beauregard, Applicant; Douglas W. Schroder, Staff Member; S. Ronald Owens, Presiding Board Member; and Marjorie Clark, Assisting Board Member.

Summation of Facts

1. Grace Beauregard (Beauregard) applied for a real estate broker license by reciprocity on or about August 21, 2003, and did not meet the experience requirements on her application.
2. On or about August 22, 2003, the Board's licensing staff provided the Regulatory Programs Division Application Review Informal Fact Finding Conference Referral Memorandum, which states the reasons the license was not issued.
3. During the IFF, Beauregard showed active engagement in real estate as a real estate broker in Nevada from the fall of 1999 through the fall of 2001, approximately 24 months.

4. The period of inactivity from fall of 2001 through date of application was due to circumstances regarding family illness and death which required extensive traveling from Nevada to New York and eventual relocation to Virginia. She has renewed her real estate broker license in Nevada through 2005, and has taken a 45 hour credit course in Real Estate Brokerage Management through Moseley-Dickinson Academy of Real Estate in Virginia.

5. During the IFF, Beauregard testified that she needed to become more acquainted with Virginia real estate forms and practices.

Conclusion and Recommendation

Based upon the record and the information presented at the IFF, we recommend Beauregard's application for a broker's license be approved, contingent upon Beauregard entering into an Agreement for Licensure. Beauregard would be issued an associate broker's license to be placed under the supervision of a principal broker for a period of one year. Under the terms of the Agreement for Licensure, Beauregard and the principal broker are to report on a quarterly basis.

By: _____

S. Ronald Owens
Presiding IFF Board Member
Real Estate Board

Date: October 22, 2003

By: _____

Marjorie Clark
Presiding IFF Board Member
Real Estate Board

Date: October 22, 2003

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

REAL ESTATE BOARD

**RE: SHEILA JANE WRIGHT
LICENSE NUMBER: 0225 041213**

FILE NUMBER: 2003-00070

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on October 22, 2002, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Sheila Jane Wright on August 15, 2003. The following individuals participated at the conference: Sheila Jane Wright, Respondent; Kim Alexander, Complainant (by telephone); Wayne Mozingo, Investigator; Douglas W. Schroder, Staff Member; S. Ronald Owens, presiding Board Member and Marjorie Clark, assisting Board Member.

Summation of Facts

1. On or about July 14, 2001, Kim R. Alexander (Alexander) entered into a purchase agreement with Mexico Inc. for Alexander to buy property located at 1414 Wellsley in Roanoke in the amount of \$47,700. Sheila J. Wright (Wright) of Shepard Realty Co. was the selling agent.
2. Wright did not check any of the boxes on the first page of the purchase agreement stating if she was representing the buyer or the seller.
3. On or about August 10, 2001, Alexander signed a possession by purchaser agreement. On or about September 20, 2001, Alexander signed an amendment to the purchase contract dated July 14, 2001.
4. Initially, Mexico Inc. did not sign the change to the purchase agreement regarding seller paid closing costs, the possession by purchaser agreement, or the amendment to the purchase contract. The purchase agreement and the possession by purchaser agreement have "agreed verbally" hand written where the seller's signature would go and the amendment to the purchase contract has "seller agreed verbally" hand written where the seller's signature would go. During the IFF, Wright disclosed that she had written "seller agreed verbally" on the contract under seller paid closing costs, the possession by purchaser agreement, and the amendment to the contract, in August 2002, a year after the transaction took place.

5. Even though Wright provided a copy of the purchase agreement the day of the IFF showing that she represented the buyer, she could not verify the date the agency disclosure block was checked. The previous contracts, even one submitted by Wright, did not have the agency disclosure block checked or the signatures in the agency disclosure block. Alexander provided testimony at the IFF that she thought Wright was working both for her and the seller.

Conclusion and Recommendation

Count 1: Section 54.1-2138(A) (Effective January 1, 1999)

Wright's failure to disclose in writing whom she represented in the transaction is a violation of Section 54.1-2138(A) of the Code of Virginia. Therefore, we recommend that a monetary penalty of \$500.00 be imposed for a violation of this regulation.

Count 2: 18 VAC 135-20-260(8) (Effective January 1, 1999)

Wright's failure to obtain the signature of the seller in a timely manner on the purchase agreement regarding seller paid closing costs, on the possession by purchaser agreement and the amendment to the purchase contract, as well as not distributing copies to all parties in this transaction in a timely manner, is a violation of the Board's regulation 18 VAC 135-20-260(8). Therefore, we recommend that a monetary penalty of \$350.00 be imposed for a violation of this regulation.

By: _____

S. Ronald Owens
Presiding IFF Board Member
Real Estate Board

Date: October 22, 2003

By: _____

Marjorie Clark
Assisting IFF Board Member
Real Estate Board

Date: October 22, 2003

FINAL ORDER RECOMMENDATION

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF LICENSE NUMBER 0225 041213 UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

COMMONWEALTH OF VIRGINIA DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

REAL ESTATE BOARD

**RE: NED E. PUGH
LICENSE NUMBER: 0226 004610**

FILE NUMBER: 2002-00796

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on October 22, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Sheila Jane Wright on August 15, 2003. The following individuals participated at the conference: Ned E. Pugh, Respondent; Michael A. Miano, Complainant; Lawrence Sheffert, Witness; Dale Amos, Investigator; Jennifer Kazzie, Staff Member; and S. Ronald Owens, presiding Board Member.

Summation of Facts

1. On or about April 25, 1999, Ned Pugh, Broker, entered into a Real Estate contract in the amount of \$29,000.00 with High Meadow Land Trust for the purchase of property located at Lot 33, Phase II, High Meadows subdivision, Radford, Virginia.
2. The closing date for this transaction was set for August 31, 1999; however, as of February 19, 2001, the closing had not been executed based on a verbal extension agreed to by both seller and buyer.

3. On February 19, 2001, Ned Pugh received an offer from Anthony and Heather Miano for the purchase of this same property and signed the offer as seller on February 20, 2001, 94 days before title changed from High Meadow Land Trust to Ned Pugh.

4. During the IFF, written testimony was submitted by Joseph Anthony primary representative for High Meadows Land Trust, confirming their written and oral extension of Pugh's contract to purchase Lot 33.

Conclusion and Recommendation

Count 1: 18 VAC 135-20-290(2) (Effective January 1, 1999)

I recommend that this count of the file be closed with a finding of no violation. Written testimony was presented at the IFF from Joseph Anthony who is the primary representative for High Meadows Land Trust, indicating that they were aware and approved of Pugh selling the property to Miano, even though Pugh did not hold title to the property. Lawrence Sheffert, agent who appeared on behalf of the High Meadow Land Trust, also confirmed his knowledge and approval of the sale by Pugh to Miano.

Count 2: 18 VAC 135-20-260(8) and 18 VAC 135-20-260(9) (Effective January 1, 1999)

Ned Pugh's actions constitute failure to act as a real estate broker in such a manner as to safeguard the interests of the public and was engaging in improper conduct, in violation of the Board's Regulations 18 VAC 135-20-260(8) and 18 VAC 135-20-260(9). Therefore, I recommend that a monetary penalty of \$50.00 be imposed for each violation of these regulations, for a total of \$100.00. Pugh did admit his failure to properly identify the actual owner and seller in the purchase agreement. There was, however, no evidence presented at the IFF indicating that Pugh intentionally mislead Miano as to the actual owner of the property.

By: _____

S. Ronald Owens
Presiding IFF Board Member
Real Estate Board

Date: October 22, 2003

FINAL ORDER RECOMMENDATION

THE TOTAL MONETARY PENALTY RECOMMENDED HEREIN SHALL BE PAID WITHIN SIXTY (60) DAYS FROM THE DATE OF ENTRY OF THE FINAL ORDER IN THIS MATTER. FAILURE TO PAY THE TOTAL MONETARY PENALTY ASSESSED WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF SAID FINAL ORDER WILL RESULT IN THE AUTOMATIC SUSPENSION OF LICENSE NUMBER 0226 004610 UNTIL SUCH TIME AS SAID AMOUNT IS PAID IN FULL.

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: S. Ronald Owens
2. Title: Member
3. Agency: Real Estate Board
4. Transaction: Informal Fact-Finding Conferences on October 22, 2003
5. Nature of Personal Interest Affected by Transaction: _____

"None"

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

"None"

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

S. Ronald Owens
Signature

10/22/03
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Marjorie Clark
2. Title: Member
3. Agency: Real Estate Board
4. Transaction: Informal Fact-Finding Conferences on October 22, 2003
5. Nature of Personal Interest Affected by Transaction: None

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

None

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Marjorie M. Clark
Signature

10 - 22 - 2003
Date